

MAY 25 2022

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISIONUS DISTRICT COURT  
WESTERN DISTRICT OF NC

Civil Action No. 3:21-CV-00072-RJC-DSC

JAMES BECKLEY,

Plaintiff

v.

PRIORITY AUTO GROUP, INC.,  
PRIORITY AUTOMOTIVE  
HUNTERSVILLE, INC., DENNIS  
ELMER and MATTHEW ELMER,

Defendants

PRIORITY AUTOMOTIVE  
HUNTERSVILLE, INC.,

Counterclaimant

v.

JAMES BECKLEY and  
TANISHA BECKLEY,

Counterclaim Defendants

PLAINTIFF'S AND COUNTERCLAIM  
DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO REPLY,  
PLEAD OR OTHERWISE RESPOND TO  
DEFENDANTS' ANSWER

Plaintiff and Counterclaim Defendants, James Beckley and Tanisha Beckley

("Counterclaim Defendants") pursuant to Rule 6 of the Federal Rules of Civil Procedure, the Local Rules Governing Civil Cases, LCvR 7.1, and other applicable law, respectfully moves the Court for an extension of time of thirty (30) days for Counterclaim Defendants to reply, plead or otherwise respond to the claims in the Answer filed by Defendants in this action (the "Answer"). In support of this motion, Counterclaim Defendants show the following:

1. In January 2021, Plaintiff commenced this action by filing a Complaint in state court. In February 2021, Defendants removed the action to this Court. On March 15, 2021,

Plaintiff filed an Amended Complaint, and on March 16, 2021, Defendants filed motions to dismiss for failure to state a claim and for lack of jurisdiction or in the alternative, to transfer venue. After the Magistrate Judge issued his Memorandum and Recommendations on Defendants' motions in June 2021, Defendants filed their objections thereto. On March 28, 2022, Judge Conrad issued his ruling on the Magistrate Judge's Memorandum and Recommendations;

2. On April 11, 2022, Defendants filed their Answer and Counterclaims in which they allege ten counterclaims in approximately eighty (80) pages and attach sixteen (16) exhibits totaling approximately 250 pages;

3. On April 16, 2022, Defendants filed a Motion to Disqualify Plaintiff's counsel, Philip Gibbons;

4. On April 26, 2022, Plaintiff's counsel filed a Motion to Withdraw as Attorney of Record and Stay the Proceedings;

5. The current deadline for Plaintiff's and Counterclaim Defendants' Reply to the claims in Defendants' Answer is May 26, 2022, by order of the Court;

6. Counterclaim Defendants have been diligently seeking counsel since Mr. Gibbons' unexpected withdrawal;

7. The time within which Counterclaim Defendants must reply, plead or otherwise respond to the Answer has not yet expired;

8. Counterclaim Defendants need additional time to secure counsel and prepare their responses to the Answer; and

9. This motion is made for good cause and not for purposes of undue delay.

WHEREFORE, Counterclaim Defendants respectfully request that the Court grant them a thirty-day extension of time to reply, plead or otherwise respond to the claims in Defendants' Answer, through and including June 25, 2022.

This the \_\_\_\_ day of May 2022.



James Beckley

[ADD YOUR ADDRESS, PHONE AND EMAIL]

2903 PEBBLE CREEK ST

MELBOURNE, FL 32935



Tanisha Beckley

[ADD YOUR ADDRESS, PHONE AND EMAIL]

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## CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2022, I served the foregoing **Plaintiff's and Counterclaim Defendants' Motion For Extension Of Time To Reply, Plead Or Otherwise Respond to Defendants' Answer** on counsel for Defendants by first-class US mail, postage properly prepaid, as follows:

Joshua F. P. Long  
Woods Rogers PLC  
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10 S. Jefferson Street  
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*Counsel for Defendants*

This the 25 day of May 2022

  
James Beckley